



January 27, 2014

HOUSE BILL No. 1181

DIGEST OF HB 1181 (Updated January 23, 2014 1:31 pm - DI 84)

Citations Affected: IC 5-2; IC 6-1.1; IC 20-49.

Synopsis: Career and technical education centers. Provides that a school corporation career and technical education center may receive a grant from the Indiana safe schools fund. Provides that a school corporation career and technical education center may receive an advance from the common school fund. Specifies that each member school corporation is considered to receive a proportionate share of the advance and is responsible for its proportionate share of the repayment based on the number of pupils the school corporation has attending the career and technical education center in the school year when the advance is made. Allows a school corporation career and technical education center to receive an advance even if the school corporation has an outstanding advance. Specifies, for purposes of the law relating to controlled project financing, that the project cost is not the total project cost but is to be allocated among the member school corporations based on pupils. Provides an exception to the property tax circuit breaker credit so that each member school corporation may increase its property tax levy to repay its proportionate share of such an advance that is the same as the exception for a school corporation general fund referendum levy.

Effective: July 1, 2014.

Frye R

January 14, 2014, read first time and referred to Committee on Education.
January 27, 2014, reported — Do Pass.

HB 1181—LS 6394/DI 58



January 27, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1181

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-10.1-6, AS AMENDED BY P.L.280-2013,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 6. (a) A school corporation, **school corporation**
4 **career and technical education school described in IC 20-37-1-1**, or
5 charter school (as defined in IC 20-24-1-4) may receive a grant from
6 the fund for programs, equipment, services, or activities included in a
7 safety plan submitted with the application for funds to the institute.
8 (b) A safety plan submitted under this section must include
9 provisions for zero (0) tolerance for alcohol, tobacco, drugs, and
10 weapons on school property. If the institute approves the safety plan
11 and application, the treasurer of state shall disburse from the fund to
12 the applicant the amount of the grant certified to the treasurer of state
13 by the institute.
14 SECTION 2. IC 5-2-10.1-7, AS AMENDED BY P.L.280-2013,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2014]: Sec. 7. (a) As used in this section, "program" refers to

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1 a school safe haven program.

2 (b) A school corporation, **school corporation career and technical**
 3 **education school described in IC 20-37-1-1**, or charter school (as
 4 defined in IC 20-24-1-4) may apply to the institute for a grant for
 5 matching funds under this chapter to establish and operate a school
 6 safe haven program.

7 (c) A program must include at least the following components:

8 (1) The school must be open to students of the school before and
 9 after normal operating hours, preferably from 7 a.m. to 9 p.m., on
 10 days determined by the school corporation.

11 (2) The program must operate according to a plan to do the
 12 following in the school:

13 (A) Reduce alcohol, tobacco, and drug abuse.

14 (B) Reduce violent behavior.

15 (C) Promote educational progress.

16 (d) The institute shall adopt rules to administer the program,
 17 including rules concerning evaluations by school corporations **and**
 18 **school corporation career and technical education schools**
 19 **described in IC 20-37-1-1** on the use and impact of grant money
 20 received through the program.

21 SECTION 3. IC 5-2-10.1-10, AS AMENDED BY P.L.205-2013,
 22 SECTION 74, AND AS AMENDED BY P.L.172-2013, SECTION 4,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2014]: Sec. 10. (a) A county may establish a
 25 county school safety commission.

26 (b) The members of the commission are as follows:

27 (1) The school safety specialist for each school corporation
 28 located in whole or in part in the county.

29 (2) The judge of the court having juvenile jurisdiction in the
 30 county or the judge's designee.

31 (3) The sheriff of the county or the sheriff's designee.

32 (4) The chief officer of every other law enforcement agency in the
 33 county, or the chief officer's designee.

34 (5) A representative of the juvenile probation system, appointed
 35 by the judge described under subdivision (2).

36 (6) Representatives of community agencies that work with
 37 children within the county.

38 (7) A representative of the Indiana state police district that serves
 39 the county.

40 (8) A representative of the prosecuting attorneys council of
 41 Indiana who specializes in the prosecution of juveniles.

42 (9) Other appropriate individuals selected by the commission.



(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2), *as determined in the fall count of ADM in the school year ending in the current calendar year*, in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations **and school corporation career and technical education schools described in IC 20-37-1-1** in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation **and each school corporation career and technical education school described in IC 20-37-1-1** in carrying out the school corporation's **or career and technical education school's** safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

(g) *A commission shall receive the school safety plans described in ~~IC 20-26-18.2-2(e)~~ IC 20-26-18.2-2 for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.*



SECTION 4. IC 5-2-10.1-12, AS AMENDED BY P.L.172-2013, SECTION 5, AS AMENDED BY P.L.285-2013, SECTION 1, AND AS AMENDED BY P.L.190-2013, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) Each school within a school corporation **and each school corporation career and technical education school described in IC 20-37-1-1** shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education, ~~and~~ the school corporation's school safety specialist, *and, upon request, a school resource officer (as described in IC 20-26-18.2-1)* shall provide materials *and guidelines* to assist a safe school committee in developing a plan *and policy* for the school that addresses the following issues:

- (1) Unsafe conditions, crime prevention, school violence, bullying, *criminal gang activity*, and other issues that prevent the maintenance of a safe school.
- (2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).
- (3) Methods to encourage:
 - (A) involvement by the community and students;
 - (B) development of relationships between students and school faculty and staff; and
 - (C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) *The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:*

- (1) *developing and implementing bullying prevention programs;*
- (2) *establishing investigation and reporting procedures related to bullying; and*
- (3) *adopting discipline rules that comply with IC 20-33-8-13.5.*

(e) *In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making*



reports under IC 20-20-8-8 and IC 20-34-6-1.

SECTION 5. IC 6-1.1-20-1.1, AS AMENDED BY P.L.106-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or (before January 1, 2009) IC 20-45-3. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more than the lesser of the following:

(A) Two million dollars (\$2,000,000).

(B) An amount equal to one percent (1%) of the total gross assessed value of property within the political subdivision on the last assessment date, if that amount is at least one million dollars (\$1,000,000).

For purposes of this chapter, the cost of a project by a school corporation career and technical education school described in IC 20-37-1-1 that is funded through an advance from the common school fund under IC 20-49 shall be allocated among the organizing school corporations in the same manner as the advance is allocated under IC 20-49-4.

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project.

(6) A project that:

(A) is in response to:

(i) a natural disaster;

(ii) an accident; or

(iii) an emergency;

in the political subdivision that makes a building or facility



- 1 unavailable for its intended use; and
 2 (B) is approved by the county council of each county in which
 3 the political subdivision is located.
 4 (7) A project that was not a controlled project under this section
 5 as in effect on June 30, 2008, and for which:
 6 (A) the bonds or lease for the project were issued or entered
 7 into before July 1, 2008; or
 8 (B) the issuance of the bonds or the execution of the lease for
 9 the project was approved by the department of local
 10 government finance before July 1, 2008.
 11 (8) A project of the Little Calumet River basin development
 12 commission for which bonds are payable from special
 13 assessments collected under IC 14-13-2-18.6.

14 SECTION 6. IC 6-1.1-20.6-9.5, AS AMENDED BY P.L.218-2013,
 15 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2014]: Sec. 9.5. (a) This section applies only to credits under
 17 this chapter against property taxes first due and payable after December
 18 31, 2006.

19 (b) The application of the credit under this chapter results in a
 20 reduction of the property tax collections of each political subdivision
 21 in which the credit is applied. Except as provided in IC 20-46-1 **and a**
 22 **property tax levy to repay an advance from the common school**
 23 **fund that is made to a school corporation career and technical**
 24 **education school described in IC 20-37-1-1**, a political subdivision
 25 may not increase its property tax levy to make up for that reduction.

26 (c) A political subdivision may not borrow money to compensate the
 27 political subdivision or any other political subdivision for the reduction
 28 of property tax collections referred to in subsection (b).

29 SECTION 7. IC 20-49-3-8, AS AMENDED BY P.L.205-2013,
 30 SECTION 307, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2014]: Sec. 8. The fund may be used to make
 32 advances:

- 33 (1) to school corporations, including school townships **and school**
 34 **corporation career and technical education schools described**
 35 **in IC 20-37-1-1**, under IC 20-49-4 and IC 20-49-5; and
 36 (2) under IC 20-49-6.

37 **Unless the context clearly requires otherwise, a reference to a**
 38 **school corporation in this chapter includes a school corporation**
 39 **career and technical education school described in IC 20-37-1-1.**
 40 **However, an advance to a school corporation career and technical**
 41 **education school described in IC 20-37-1-1 is not considered an**
 42 **advance to a school corporation for purposes of determining if the**



school corporation career and technical education school described in IC 20-37-1-1 qualifies for an advance.

SECTION 8. IC 20-49-4-1, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. This chapter applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7, ~~and~~ school townships under IC 20-23-3, **and school corporation career and technical education schools described in IC 20-37-1-1. Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1.**

SECTION 9. IC 20-49-4-7, AS AMENDED BY P.L.205-2013, SECTION 308, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation:

- (1) that sustained a loss from a disaster;
- (2) whose adjusted assessed valuation (as determined under IC 6-1.1-34-8) per current ADM is within the lowest forty percent (40%) of the assessed valuation per current ADM when compared with all school corporation adjusted assessed valuation (as adjusted (if applicable) under IC 6-1.1-34-8) per current ADM; or
- (3) with an advance under this chapter outstanding on July 1, 1993, that bears interest of at least seven and one-half percent (7.5%).

The term does not include facilities used or to be used primarily for interscholastic or extracurricular activities. **If a program involves a school corporation career and technical education school described in IC 20-37-1-1, the adjusted assessed valuation and current ADM of all those school corporations that are members of the career and technical education school are to be used for making determinations under this section.**

SECTION 10. IC 20-49-4-9, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 9. Priority of advances for school building construction programs shall be made to school corporations that have the least amount of adjusted assessed valuation (as determined under IC 6-1.1-34-8) per student in ADM. **If a program involves a school corporation career and technical education school**



1 described in IC 20-37-1-1, the adjusted assessed valuation and
2 current ADM of all those school corporations that are members of
3 the career and technical education school are to be used for making
4 determinations under this section.

5 SECTION 11. IC 20-49-4-18, AS ADDED BY P.L.2-2006,
6 SECTION 172, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2014]: Sec. 18. To ensure timely payment of
8 advances according to the terms, the state may in its sole discretion
9 withhold from funds due to school corporations to which advances are
10 made amounts necessary to pay the advances and the interest on the
11 advances in accordance with their respective terms. The terms of the
12 advances shall be established by the state board after consulting with
13 the department and upon the approval of the budget agency in advance
14 of the time the respective advances are made. However, in the case of
15 school corporations with advances outstanding on July 1, 1993, the
16 withholding may be adjusted to conform with this chapter. To the
17 extent available, funds shall first be withheld from the distribution of
18 state tuition support. However, if this distribution is not available or is
19 inadequate, funds may be withheld from the distribution of other state
20 funds to the school corporation to which the advance is made. **If an**
21 **advance is made to a school corporation career and technical**
22 **education school described in IC 20-37-1-1, a part of the advance**
23 **and the payment obligation for that part of the advance shall be**
24 **determined by allocating the advance and payment amounts**
25 **among the members of the career and technical education school**
26 **using the number of students from each member school**
27 **corporation that are enrolled in the career and technical education**
28 **school in the school year the advance is made.**

29 SECTION 12. IC 20-49-4-19, AS ADDED BY P.L.2-2006,
30 SECTION 172, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2014]: Sec. 19. A school corporation receiving
32 an advance shall agree to have the money advanced, together with the
33 interest on the advance, deducted from the distribution of state tuition
34 support until all the money advanced, together with the interest on the
35 advance, has been paid. The state board and the state board of finance
36 shall reduce each distribution of state tuition support to each school
37 corporation to which an advance is made in an amount to be agreed
38 upon by the state and the school corporation. **If an advance is made**
39 **to a school corporation career and technical education school**
40 **described in IC 20-37-1-1, the reduction for a payment obligation**
41 **for the advance shall be allocated as provided in section 18 of this**
42 **chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1181 as introduced.)

Committee Vote: Yeas 10, Nays 0

Representative Behning

